



CLERK'S SUMMARY OF Meeting Minutes

Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

Recreation & Cultural Affairs Committee

Javier D. Souto (10), Chairperson; Sally A. Heyman (4), Vice Chairperson;
Commissioners Bruno A. Barreiro (5), Betty T. Ferguson (1), Dennis C. Moss (9), and
Katy Sorenson (8)

Wednesday, April 16, 2003

2:00 PM

Commission Chambers

Members Present: Bruno A. Barreiro, Sally A. Heyman, Dennis C. Moss, Katy Sorenson.

Members Absent: Betty T. Ferguson, Javier D. Souto.

Members Late: None.

Members Excused: None.

RCA

Agenda Item No. 4 (C)

1A ROLL CALL

Report: *The following staff persons were present:*
Alina Hudak, Assistant County Manager
Monica Maldonado, Assistant County Attorney
Diane Del Carpio, Sr. Commission Reporter
Cheryl Shamsid-Deen, Commission Reporter

1B PUBLIC HEARING(S)

1C DICUSSION ITEM(S)

1C1 030987 Discussion Item Sally A. Heyman
DISCUSSION ITEM RE: FEE WAIVER/IN-KIND *Presented*
SERVICES GUIDELINES

Report: *Commissioner Heyman noted the foregoing proposed fee waiver guidelines had been developed specifically for park and recreation and cultural facilities, equipment, and services. She asked that these guidelines be forwarded to each commissioner who was not a member of the Recreation and Cultural Affairs (RCA) committee, along with a memorandum requesting that any input, suggestions, or changes to the proposed guidelines be submitted to her office by May 1, 2003. She said guidelines would be presented as a committee item for consideration at the May 5, 2003 Regular Commission meeting.*

Commissioner Heyman asked that the guidelines be corrected to eliminate scrivener's errors. She noted the committee had formalized the proposed Draft. She thanked Assistant County Manager Alina Tejeda Hudak and Ms. Vivian Rodriguez, Director, Miami-Dade County Park and Recreation Department for their assistance and developing the proposed guidelines.

Commissioner Sorenson pointed out that the proposed guidelines were not legally binding. She questioned whether it would be sufficient without an enforcement mechanism.

Commissioner Heyman noted she anticipated that the process would be a slow one that would require consistency; however, it was an initial step towards establishing guidelines and justification for approving fee waivers. She said she envisioned that this proposal would cause a change in behaviors or practices.

Commissioner Moss noted he supported the proposed guidelines. He noted, for the record, that he would continue to support fee waiver requests for events in his District (Commission District 9).

Assistant County Manager Alina Tejeda Hudak noted approximately 80 percent of fee waiver requests were placed on the agenda by a commissioner. She inquired whether it was the committee's intent that commissioners receiving requests for fee waivers would also conduct reviews before submitting them for placement on

Commissioner Heyman concurred with Ms. Hudak. She asked that appropriate language be prepared to accomplish this intent and be submitted for her consideration on May 1st for inclusion in the guidelines. Appropriate language to identify the department director and other individuals submitting fee waiver requests for approval by the County Commission. She suggested this language be incorporated on page 3, under Item No. 8.

2B SUB 031098 **Resolution****Bruno A. Barreiro***Deferred to no date certain*

RESOLUTION REQUIRING THAT CONTRACTS REGARDING COUNTY FACILITIES PROVIDE TICKETS FOR PERFORMANCES AND EVENTS FOR USE BY COUNTY OFFICIALS, AND REQUIRING THAT TICKETS CLAIMED BUT NOT USED BY COUNTY OFFICIALS BE DONATED TO DISADVANTAGED YOUTHS, DISABLED PERSONS, SENIOR CITIZENS, AND THOSE WHO DO NOT HAVE THE FINANCIAL ABILITY TO PURCHASE TICKETS

Report: *Commissioner Barreiro explained the intent of the foregoing proposed resolution, and noted this include a provision that did not allow the sale or distribution of tickets to a youth groups until 48 hours prior to the event.*

Commissioner Sorenson spoke in opposition to the foregoing resolution. She recommended as an alternative to the proposed resolution any left over tickets on the last day of the performance could be given to commissioners or charity.

Commissioner Moss stated he could not support the foregoing proposed resolution until he clearly understood its intent.

In response to the committee members' concerns, Commissioner Barreiro said he would defer this proposed resolution and schedule a workshop to discuss this proposed resolution and to include participation and dialogue from affected organizations. He stated it was illegal for a commissioner to ask for tickets to special events, which prompted him to come forth with this proposal in the form of a resolution, rather than in the form of a policy directive. Whereupon the foregoing resolution was deferred, and the persons present who wish to speak on this resolution were asked to contact Commissioner Barreiro's Office directly.

2C 031017 **Resolution****Dennis C. Moss***Withdrawn*

RESOLUTION DIRECTING THE COUNTY MANAGER TO PREPARE A REQUEST FOR PROPOSALS FOR A WATER THEME PARK AT METROZOO AND AUTHORIZING THE COUNTY MANAGER TO ADVERTISE THE REQUEST FOR PROPOSALS

Report: *See Agenda Item 2C Amended.*

2CAmd 031121 Resolution Dennis C. Moss

RESOLUTION DIRECTING THE COUNTY MANAGER TO PREPARE A REQUEST FOR PROPOSALS FOR A WATER THEME PARK IN THE METROZOO AREA AND AUTHORIZING THE COUNTY MANAGER TO ADVERTISE THE REQUEST FOR PROPOSALS

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Moss

Seconder: Sorenson

Vote: 4-0

Absent: Ferguson, Souto

Report: *Commissioner Moss explained the intent of the foregoing proposed resolution, noting it would authorize the County Manager to prepare the Request for Proposal (RFP) and to advertise for competitive bid proposals and advertisement for a water theme park in the Metrozoo area, without further Commission approval, in an effort to expedite the process. He noted the County Manager's recommended award would come back to the Board for approval.*

In response to Commissioner Sorenson's question as to whether the park would be located on County-owned land, Commissioner Moss asked that this item be amended to clarify that the water theme park would be located on County-owned property in the Metrozoo Area.

3 DEPARTMENT

3A 030840 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE AND PURCHASE BETWEEN WILLIAM M. PILGER AND MIAMI-DADE COUNTY FOR APPROXIMATELY 2.31 ACRES OF VACANT LAND LOCATED AT 100 N.E. 166TH STREET FOR THE PURPOSE OF DEVELOPING A NEIGHBORHOOD LIBRARY; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN (General Services Administration Department)

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Moss

Vote: 4-0

Absent: Ferguson, Souto

Report: *Assistant County Manager Alina Tejeda Hudak recognized Ms. Elly Chovel, from the Pedro Pan Foundation, stand and be recognized by committee members for her contribution and assistance to the P&RD's in raising funds for this project.*

3B 030843 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE AND PURCHASE BETWEEN THE MOST REVEREND JOHN C. FAVALORA, AS ARCHBISHOP OF THE ARCHDIOCESE OF MIAMI AS SELLER, AND MIAMI-DADE COUNTY AS PURCHASER OF 1.09 ACRES OF LAND; AND AN OPTION AGREEMENT FOR SALE AND PURCHASE BETWEEN THE MOST REVEREND JOHN C. FAVALORA, ARCHBISHOP OF THE ARCHDIOCESE OF MIAMI AS SELLER, THE FLORIDA COMMUNITIES TRUST AS ACQUIRING AGENCY AND MIAMI-DADE COUNTY AS PURCHASER OF 20.37 ACRES OF LAND KNOWN AS BOYSTOWN/CAMP MATECUMBE, FOR THE PURPOSE OF PROVIDING RECREATIONAL OPEN-SPACE AND PARKLAND; AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN (General Services Administration Department)

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Moss

Vote: 4-0

Absent: Ferguson, Souto

3C 030966 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI-DADE PUBLIC LIBRARY FOUNDATION, INC. (Library Department)

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Moss

Vote: 4-0

Absent: Ferguson, Souto

Report: *Assistant County Manager Alina Tejeda Hudak acknowledged Ms. Mary Young, whom she noted was unable to attend today's meeting, for her outstanding support and continued dedicated service to the Miami-Dade County Public Library System.*

A scrivener's error existing in the first paragraph, first sentence of the County manager's memorandum entitled " Requested changes to the April 16, 2003 Agenda" was corrected to read as follows: " the Board approved an Agreement between Miami-Dade County."

3D 030786 Resolution

RESOLUTION AUTHORIZING THE PROVISION OF IN-KIND SERVICES IN SUPPORT OF THE 2003 USA NATIONAL JUNIOR OLYMPICS TRACK AND FIELD CHAMPIONSHIPS FOR POLICE SERVICES (\$17,100), FIRE RESCUE SERVICE (\$10,600) AND COMMUNICATIONS SERVICES AND EQUIPMENT (\$11,400) FROM THE INFORMATION TECHNOLOGY DEPARTMENT, JULY 29 THROUGH AUGUST 3, 2003 (Park & Recreation Department)

Forwarded to BCC with a favorable recommendation

Mover: Moss

Seconder: Barreiro

Vote: 4-0

Absent: Ferguson, Souto

Report: *Following a brief explanation by Vice Chairperson Heyman regarding the intent of the foregoing proposed resolution, the Board proceed to vote on the motion as moved by Commissioner Moss.*

3E 030851 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO APPLY FOR UP TO \$700,000 IN GRANT FUNDS FROM THE FLORIDA COMMUNITIES TRUST AND FURTHER AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO RECEIVE AND EXPEND FUNDS, AND EXECUTE AMENDMENTS AS REQUIRED (Park & Recreation Department)

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Barreiro

Vote: 4-0

Absent: Ferguson, Souto

3F 030929 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO APPLY FOR UP TO \$350,000 IN GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES AND FURTHER AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO RECEIVE AND EXPEND FUNDS, AND EXECUTE AMENDMENTS AS REQUIRED (Park & Recreation Department)

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Barreiro

Vote: 4-0

Absent: Ferguson, Souto

3G 030930 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO PROVIDE FOR AN INCREASE TO THE BASIC FEE AND THE ADDITIONAL/REIMBURSABLE SERVICES OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND JUDSON AND PARTNERS ARCHITECTS, AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE SAME FOR AND ON BEHALF OF THE MIAMI-DADE COUNTY (Park & Recreation Department)

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Moss

Vote: 4-0

Absent: Ferguson, Souto

- 3H **030933 Resolution**
RESOLUTION APPROVING RETROACTIVE CHANGE
ORDER NUMBER THREE TO THE CONTRACT WITH
PCL CONSTRUCTION SERVICES, INC. FOR THE MIAMI
METROZOO AVIARY RECONSTRUCTION PROJECT
(Park & Recreation Department)

*Forwarded to BCC with a favorable
recommendation*
Mover: Moss
Seconder: Sorenson
Vote: 4-0
Absent: Ferguson, Souto
- 3I **031038 Resolution**
RESOLUTION APPROVING RETROACTIVE CHANGE
ORDER NUMBER ONE TO THE BID WAIVER
CONTRACT WITH ZURQUI CONSTRUCTION
SERVICES, INC. FOR MODIFICATIONS TO THE
ORIGINAL SCOPE OF WORK AT THE COUNTRY CLUB
OF MIAMI STORMWATER MITIGATION AND
IRRIGATION SYSTEM REPLACEMENT PROJECT (Park
& Recreation Department)

Withdrawn
- Report:** *See Agenda Item 3I Substitute.*
- 3I SUB **031062 Resolution**
RESOLUTION APPROVING RETROACTIVE CHANGE
ORDER NUMBER ONE TO THE BID WAIVER
CONTRACT WITH ZURQUI CONSTRUCTION
SERVICES, INC. FOR MODIFICATIONS TO THE
ORIGINAL SCOPE OF WORK AT THE COUNTRY CLUB
OF MIAMI STORMWATER MITIGATION AND
IRRIGATION SYSTEM REPLACEMENT PROJECT (Park
& Recreation Department)

*Forwarded to BCC with a favorable
recommendation*
Mover: Moss
Seconder: Sorenson
Vote: 4-0
Absent: Ferguson, Souto

3J 030941 **Resolution**

RESOLUTION RELATING TO PERFORMING ARTS CENTER, APPROVING CHANGE ORDER NO. 49 TO CONTRACT BETWEEN PERFORMING ARTS CENTER BUILDERS AND MIAMI-DADE COUNTY, AUTHORIZING COUNTY MANAGER OR DESIGNEE TO EXECUTE THE CHANGE ORDER AND CHANGE AUTHORIZATIONS (County Manager)

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Moss

Vote: 4-0

Absent: Souto, Ferguson

Report: *Ms. Gail Thompson, Director, Miami-Dade County Department of the Performing Arts Center (PAC) Management Office, summarized the intent of the foregoing proposed resolution. She advised that as proposed, this resolution would authorize the transfer of \$6.0 million from the existing \$18 million Project Contingency of the Performing Arts Center of Greater Miami Project (PAC). Ms. Thompson explained that the funds would be used for the creation of an Owner's Allowance Account within the Guarantee Maximum Price (GMP), to facilitate the approval of minor changes in the construction contract.*

In response to comments by Vice Chairperson Heyman, Ms. Thompson noted the department had prudently managed the Project Contingence and expounded on the existing available funds.

In response to Commissioner Barreiro, Assistant County Manager Hudak stated there was an ongoing discussion with the contractor regarding a variety of issues and a quarterly progress report would be provided to Committee members.

Ms. Hudak noted staff was currently engaged in ongoing discussions with the builder, whom proposed a restructured contract amendment. Ms. Hudak noted the County Manager was did not support the proposed amendment as presented to staff, and a subsequent meeting had been scheduled at the County Manager request, on Monday, April 21, 2003.

Commissioner Moss asked that a brief update be provided on the status of negotiations with the PAC.

Ms. Thompson advised that the approval of the foregoing resolution would not adversely impact the County's negotiations with the builder. She highlighted the following:

a) The Builder had advised staff that they were

287 days late, which was the primary purpose for meetings and discussions currently underway with them;

b) The Office of the Inspector General (IG) audited the PACB in October 2002, to determine cost impacts to the County or the PACB as a result of the delay.

c) The IG audit was forwarded to each commissioner approximately one month ago, and cost were the result of the 287-day delay by the builder.

Ms. Thompson said staff had not approved any extension of time or authorized any time for delay, and the professional opinion of staff and their legal counsel and consultants, was that the PACB was not entitled to delay or delay costs, and that the majority of these costs would not result in any additional cost to the County.

Ms. Thompson concluded by noting staff was still in the process of reviewing and discussing these issues with the County Attorney and various consultants and would provide commissioners with an update. She reiterated it was the professional opinion of staff that the builder would likely be liable for any additional costs, and the proposed restructured amendment by the builder was an attempt to transfer that liability back to the County. Ms. Thompson said staff was proceeding with the process under the leadership of the County Manager's Office.

In response to Commissioner Moss, Ms. Thompson noted the steps that had been taken to address delay and prevent further delays in this contract, including a contract amendment to the county's contract with CPA, enhancing their response abilities and relocating a portion of the structural engineering team to Canada to facilitate the review and approval of the fabrication of steel for this project by the subcontractor.

Vice Chairperson Hyman asked that Gail Thompson provide a written report outlining the status of negotiations involving the restructured contract amendment at the next committee meeting scheduled for May 14, 2003; addressing concerns previously voiced by the Committee Chairperson Souto, as well Commissioner Barreiro's concern regarding the impact of this proposed resolution on ongoing negotiations involving the PA ; and Commissioner Ferguson's concern regarding the

inclusion of specific numeric data, and include an update on the outcome of the meeting(s) with the builder.

Ms. Thompson stated a written report would be prepared as requested and would be presented at the next meeting.

Assistant County Manager Hudak noted each commissioner had been contacted to schedule a visit to the PAC site.

3K 030838 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ADVERTISE A REQUEST FOR PROPOSALS FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN PUBLIC COMPUTER MANAGEMENT AND PRINTING SOFTWARE, PAYMENT MACHINES AND SERVICES AT LIBRARIES, TO EXERCISE ANY CANCELLATION AND RE-ADVERTISEMENT PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN RFP NO. 393 (Procurement Management Department)

Forwarded to BCC with a favorable recommendation

Mover: Sorenson

Seconder: Barreiro

Vote: 4-0

Absent: Ferguson, Souto

4 REPORTS

4A 030662 Report

SUNSET REVIEW OF COUNTY BOARDS FOR 2003 - MIAMI-DADE COUNTY PUBLIC LIBRARY ADVISORY BOARD

Report Received

Mover: Sorenson

Seconder: Moss

Vote: 4-0

Absent: Souto, Ferguson

4B 030663 Report

SUNSET REVIEW OF COUNTY BOARDS FOR 2003 - (ART IN PUBLIC PLACES TRUST)

Report Received

Mover: Sorenson

Seconder: Moss

Vote: 4-0

Absent: Ferguson, Souto

4C 030665 **Report**

SUNSET REVIEW OF COUNTY BOARDS FOR 2003 -
HISTORIC PRESERVATION BOARD

Report Received
Mover: Sorenson
Seconder: Moss
Vote: 4-0
Absent: Ferguson, Souto

031360 **Report**

CHANGES TO TODAY'S AGENDA - RECREATION &
CULTURAL AFFAIRS COMMITTEE - MEETING OF
APRIL 16, 2003

Report: 1. Assistant County Attorney Monica Maldondo noted changes to the day's agenda should include the addition of Agenda Items 2B Substitute, 2C, and 3I; and should include a revision to the language in Agenda Item 3C, to correct a scrivener's error existing in the attached County Manager's memorandum.

2. Vice Chairperson Heyman expressed concern regarding the timely submittal of committee minutes and asked that they be included in the agenda kits. She asked that the minutes submitted for today's meeting be carried over as unfinished business to the next meeting.

5 ADJOURNMENT

Report: *There being no further business to come before the Recreation and Cultural Affairs Committee, the meeting was adjourned at 3:03 p.m.*

Recreation & Cultural Affairs Committee

CLERK'S SUMMARY OF

Meeting Minutes

Wednesday, April 16, 2003
